

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name: that I verily believe I am an original, first and joint inventor, together with the other inventors listed below, of the subject matter claimed and for which a patent is sought in the application entitled:

IP/DATA TRAFFIC ALLOCATING METHOD TO MAINTAIN QoS

which application is:

☐ the attached application
(for original application)☐ Application Serial No:

filed

, and amended on

(for declaration not accompanying application)

that I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application under 37 C.F.R. 1.56, that I hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any provisional application or foreign application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of any foreign application on which priority is claimed:

Application Number
20795/00**Country**
Australia**Filing Date**
March 10, 2000**Priority Claimed**
Yes

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge my duty to disclose any information material to the patentability of this application under 37 C.F.R. 156 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.**Filing Date****Status**

I hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; and Robert M. Masters, Reg. No. 35,603, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to **SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC**, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3213.

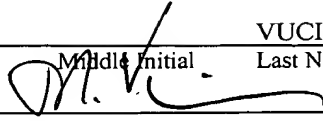
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date _____ First Inventor Michael Stefan COX
First Name Middle Initial Last Name

Residence Jannali New South Wales/ AUSTRALIA Signature _____
City State/Country

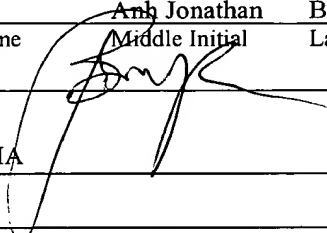
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Date 3/4/01 Second Inventor Bui Anh Jonathan BANH
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Michael Stefan Cox, et al

Attorney Docket Q63167

Appln. No.: 09/801,707

Group Art Unit: 2151

Filed: March 9, 2001

Examiner:

For: IP/DATA TRAFFIC ALLOCATING METHOD TO MAINTAIN QoS

DECLARATION

I, David J. Cushing, hereby declare that:

1. I am employed by Sughrue Mion, PLLC, counsel for Alcatel, the owner of the above application.

2. The three inventors of the above application are Michael Stefan Cox, Mickey Vucic and Bui Anh Jonathan Banh.

3. All three of the inventors were employed by Alcatel Australia Limited, a subsidiary of Alcatel, at the time the invention was made.

4. In early March, 2000 Alcatel authorized the filing of the above application, based on Australian Application No. 20795/00 filed March 10, 2000.

5. In October 2000, in preparation for filing the above application, copies of US Assignment and Declaration documents (hereinafter referred to as documents) were forwarded by internal mail to Michael Cox for his and his co-inventors signatures.

6. In November 2000, a staff member of the Intellectual Property Department contacted Mr. Cox to inquire as to whether the documents referred to in paragraph 5 had been signed. He advised that the documents had been misplaced and could not be located and requested fresh copies. Fresh copies of the documents were sent to Mr. Cox by internal mail on or about the same day.

7. After sending the fresh copies of the documents referred to in paragraph 6, the staff member telephoned Mr. Cox's office extension from time to time thereafter to inquire about the signature, but the calls were never answered and voice mail not returned.

7. On March 2, 2001, Mr. Cox left the employment of Alcatel Australia Limited. Later, the staff member of Alcatel's Intellectual Property Department contacted Mr. Cox by telephone at his home and was informed by Mr. Cox that he would sign the documents only if the Director of Human Resources of Alcatel Australia Limited (hereinafter referred to as the Director) contacted him personally.

8. The Director subsequently contacted Mr. Cox but agreement could not be reached over a matter not connected with the patent application, and Mr. Cox indicated that he would not sign the documents.


9. The co inventors Mr. Vucic and Mr. Bahn signed the documents on March 30, 2001 and April 3, 2001 respectively.

Mr. Cox's last known address is

Mr. Michael Cox
101 7th Avenue
Jannali, NSW 2226
Australia

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/03/01

By: 
David J. Cushing